

**JUL 05 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

V.

MICKEY THOMAS,

Defendant - Appellant.

No. 05-10637

D.C. No. CR-04-00187-PMP PAL

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Nevada  
Philip M. Pro, District Judge, Presiding

Argued and Submitted June 14, 2006  
San Francisco, California

Before: SCHROEDER, Chief Judge, GRABER, Circuit Judge, and DUFFY\*\*,  
District Judge.

Appellant Mickey Thomas entered a conditional guilty plea to one count of  
felon in possession of a firearm, in violation of 18 U.S.C. § 922(g). Thomas

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\* This disposition is not appropriate for publication and may not be  
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* The Honorable Kevin Thomas Duffy, Senior United States District Judge  
for Southern New York, sitting by designation.

conditioned his guilty plea on his right to appeal the district court's denial of his motion to suppress statements that were the product of an allegedly unlawful arrest.

After an evidentiary hearing, the magistrate judge entered a thorough report with extensive factual findings. It concluded that the police had adequate cause, first to detain Thomas and then to arrest him at the scene. See United States v. Rojas-Millan, 234 F.3d 464, 468-69 (9th Cir. 2000) (holding that reasonable suspicion justifies an investigatory detention); United States v. Valencia-Amezcua, 278 F.3d 901, 906 (9th Cir. 2002) (holding that police officers had probable cause to arrest a suspect where the facts suggest a "fair probability" that the suspect has committed a crime). The report was adopted by the district judge, and we have no reason to overturn it. The district court properly found that the police officers conducted a valid investigatory detention that ripened into probable cause to make an arrest.

**AFFIRMED.**